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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIANNE MILLER,

Plaintiff,

v.

HOLTZBRINCK PUBLISHERS, LLC,  
MACMILLAN PUBLISHERS, INC., SAINT  
MARTIN'S PRESS, HEATHER HUNTER AND  
MICHELLE VALENTINE,

Defendants.  
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: Case No. 08-CV 03508 (HB)  
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:  
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**NOTICE OF MOTION TO DISMISS  
COMPLAINT**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 12(b)(6), defendant Heather Hunter ("Hunter"), by and through its counsel, Herrick, Feinstein LLP, hereby moves before the United States District Court (Honorable Harold Baer, Jr., U.S.D.J.), at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for the entry of an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint, in its entirety and with prejudice, as to Hunter, and granting such other and further relief as the Court deems just and appropriate.

PLEASE TAKE FURTHER NOTICE that Hunter shall rely upon the accompanying Memorandum of Law and Declaration of Alan D. Kaplan, Esq. -- and also the Memorandum of Law and Declaration of Robert D. Balin, Esq., counsel for co-defendants who have also filed a motion to dismiss pursuant to Rule 12(b)(6), which Hunter joins -- in support of its motion.

PLEASE TAKE FURTHER NOTICE that opposition papers to this motion, if any, must comply with the Federal Rules of Civil Procedure and Local Rule 6.1(b) of the United States District Court for the Southern District of New York.

Dated: New York, New York  
June 2, 2008

HERRICK FEINSTEIN, LLP

By: 

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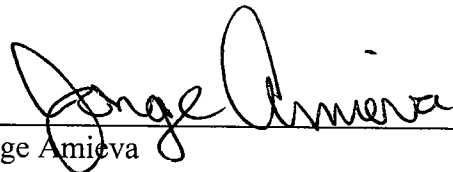
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St. Martin's Press and Michelle Valentine*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed electronically with the United States District Court for the Southern District of New York on this 2nd day of June, 2008, with notice of case activity generated and sent via regular mail to:

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